

**Amendments to the Claims:**

1. (Currently Amended) A method for preserving data in a data storage system, the method comprising:

receiving a command to preserve data in the data storage system;

receiving a first data being written to a data block on a first storage volume prior to receiving the command;

determining whether the data block is stored on a first storage image, the first image being a copy on write snapshot of the first storage volume created in response to the command, the operation of determining based on indication information associated with the first storage image;

writing the first data to the data block on the first storage image and a second storage image when the data block is stored on the first storage image;

writing the first data to the data block on ~~[[a]]~~ the second storage image when the data block is stored on a second image; and

~~wherein the copy on write snapshot occurs without an application's read/write activities being in a quiescent state.~~

wherein the data storage system is read/write accessible by at least one application and read/write access to the data storage system remains available by the at least one application during the data preservation.

2. (Cancelled)

3. (Previously Presented) The method of claim 1, wherein the determining comprises:

examining a lookup table to determine whether there is an entry associated with the data block, the lookup table being associated with the first storage image, wherein the entry indicates that the data block is stored on the first image.

4. (Previously Presented) The method of claim 1, further comprising:

acquiring a lock from a lock mechanism before indicating the data block being stored on the second storage image; and

releasing the lock after writing the first data to the data block on the second storage image.

5. (Original) The method of claim 4, wherein the lock mechanism is maintained independent to the first and the second storage images.

6. (Previously Presented) The method of claim 1, further comprising:  
receiving a second data being written to the data block on the second storage volume after receiving the command;  
determining whether the data block is stored on the first storage image or the second storage image;  
when the data block is stored on the second storage image, replicating the data block of the second storage image to the first storage image and updating the indication information; and  
writing the second data to the data block on the second storage image.

7. (Cancelled)

8. (Previously Presented) The method of claim 6, wherein the determining comprises:  
examining a lookup table whether there is an entry associated with the data block, the lookup table being associated with the first storage image; and  
wherein updating the indication information comprises creating the entry associated with the data block if the entry does not exist.

9. (Original) The method of claim 6, further comprising:  
acquiring a lock from a lock mechanism before updating the indication information;  
and  
releasing the lock after writing the second data.

10. (Original) The method of claim 9, wherein the lock mechanism is maintained independent to the first and the second storage images.

11. (Original) The method of claim 1, further comprising:  
receiving a request to read from a data block on the first storage volume;  
determining whether the data block is stored on the first storage image or on the second storage image, based on indication information associated with the first storage image;  
reading the data block from the first storage image if the data block is stored on the first storage image; and  
reading the data block from the second storage image if the data block is stored on the second storage image.

12. (Original) The method of claim 11, further comprising examining a lookup table whether there is an entry associated with the data block, the lookup table being associated with the first storage image.

13. (Original) The method of claim 11, further comprising:  
acquiring a lock from a lock mechanism before determining whether the data block is stored on the first storage image or on the second storage image; and  
releasing the lock after reading the data block from the second storage image.

14. (Original) The method of claim 13, wherein the lock mechanism is maintained independent to the first and the second storage images.

15. (Currently Amended) A machine-readable medium having executable code to cause a machine to perform a method for preserving data in a data storage system, the method comprising:

receiving a command to preserve data in the data storage system;  
receiving a first data being written to a data block on a first storage volume prior to receiving the command;  
determining whether the data block is stored on a first storage image, the first image being a copy on write snapshot of the first storage volume created in response to the command, the operation of determining based on indication information associated with the first storage image;  
writing the first data to the data block on the first storage image and a second storage image when the data block is stored on the first storage image;  
writing the first data to the data block on ~~[[a]]~~ the second storage image when the data block is stored on a second image; and  
~~wherein the copy on write snapshot occurs without an application's read/write activities being in a quiescent state.~~  
wherein the data storage system is read/write accessible by at least one application and read/write access to the data storage system remains available by the at least one application during the data preservation.

16. (Cancelled)

17. (Previously Presented) The machine-readable medium of claim 15, wherein the determining comprises:

examining a lookup table to determine whether there is an entry associated with the data block, the lookup table being associated with the first storage image, wherein the entry indicates that the data block is stored on the first image.

18. (Previously Presented) The machine-readable medium of claim 15, wherein the method further comprises:

acquiring a lock from a lock mechanism before indicating the data block being stored on the second storage image; and

releasing the lock after writing the first data to the data block on the second storage image.

19. (Original) The machine-readable medium of claim 18, wherein the lock mechanism is maintained independent to the first and the second storage images.

20. (Previously Presented) The machine-readable medium of claim 15, wherein the method further comprises:

receiving a second data being written to the data block on the second storage volume after receiving the command;

determining whether the data block is stored on the first storage image or the second storage image;

when the data block is stored on the second storage image, replicating the data block of the second storage image to the first storage image and updating the indication information; and

writing the second data to the data block on the second storage image.

21. (Cancelled)

22. (Previously Presented) The machine-readable medium of claim 20, wherein the determining comprises:

examining a lookup table whether there is an entry associated with the data block, the lookup table being associated with the first storage image; and

wherein updating the indication information comprises creating the entry associated with the data block if the entry does not exist.

23. (Original) The machine-readable medium of claim 20, wherein the method further comprises:

acquiring a lock from a lock mechanism before updating the indication information;  
and  
releasing the lock after writing the second data to the data block on the second storage image.

24. (Original) The machine-readable medium of claim 23, wherein the lock mechanism is maintained independent to the first and the second storage images.

25. (Original) The machine-readable medium of claim 15, wherein the method further comprises:

receiving a request to read from a data block on the first storage volume;  
determining whether the data block is stored on the first storage image or on the second storage image, based on indication information associated with the first storage image;  
reading the data block from the first storage image if the data block is stored on the first storage image; and  
reading the data block from the second storage image if the data block is stored on the second storage image.

26. (Original) The machine-readable medium of claim 25, wherein the method further comprises examining a lookup table whether there is an entry associated with the data block, the lookup table being associated with the first storage image.

27. (Original) The machine-readable medium of claim 25, wherein the method further comprises:

acquiring a lock from a lock mechanism before determining whether the data block is stored on the first storage image or on the second storage image; and  
releasing the lock after reading the data block from the second storage image.

28. (Original) The machine-readable medium of claim 27, wherein the lock mechanism is maintained independent to the first and the second storage images.

29. (Currently Amended) An apparatus for preserving data in a data storage system, comprising:

means for receiving a command to preserve data in the data storage system;  
means for receiving a first data being written to a data block on a first storage volume prior to receiving the command;

means for determining whether the data block is stored on a first storage image, the first image being a copy on write snapshot of the first storage volume created in response to the command, the means for determining based on indication information associated with the first storage image;

means for writing the first data to the data block on the first storage image and a second storage image when the data block is stored on the first storage image;

means for writing the first data to the data block on ~~[[a]]~~ the second storage image when the data block is stored on a second image; and

~~wherein the copy on write snapshot occurs without an application's read/write activities being in a quiescent state.~~

wherein the data storage system is read/write accessible by at least one application and read/write access to the data storage system remains available by the at least one application during the data preservation.

30. (Cancelled)

31. (Previously Presented) The apparatus of claim 29, wherein the means for determining comprises:

means for examining a lookup table to determine whether there is an entry associated with the data block, the lookup table being associated with the first storage image,

wherein the entry indicates that the data block is stored on the first image.

32. (Previously Presented) The apparatus of claim 29, further comprising:

means for acquiring a lock from a lock mechanism before indicating the data block being stored on the second storage image; and

means for releasing the lock after writing the first data to the data block on the second storage image.

33. (Original) The apparatus of claim 32, wherein the lock mechanism is maintained independent to the first and the second storage images.

34. (Previously Presented) The apparatus of claim 29, further comprising:

means for receiving a second data being written to the data block on the second storage volume after receiving the command;

means for determining whether the data block is stored on the first storage image or the second storage image;

means for replicating the data block of the second storage image to the first storage image and means for updating the indication information when the data block is stored on the second storage image; and

means for writing the second data to the data block on the second storage image.

35. (Cancelled)

36. (Previously Presented) The apparatus of claim 34, wherein the means for determining comprises:

means for examining a lookup table whether there is an entry associated with the data block, the lookup table being associated with the first storage image; and

wherein the means for updating the indication information comprises means for creating the entry associated with the data block if the entry does not exist.

37. (Original) The apparatus of claim 34, further comprising:

means for acquiring a lock from a lock mechanism before updating the indication information; and

means for releasing the lock after writing the second data.

38. (Original) The apparatus of claim 37, wherein the lock mechanism is maintained independent to the first and the second storage images.

39. (Original) The apparatus of claim 29, further comprising:

means for receiving a request to read from a data block on the first storage volume;

means for determining whether the data block is stored on the first storage image or on a second storage image, based on indication information associated with the first storage image;

means for reading the data block from the first storage image if the data block is stored on the first storage image; and

means for reading the data block from the second storage image if the data block is stored on the second storage image.

40. (Original) The apparatus of claim 39, further comprising means for examining a lookup table whether there is an entry associated with the data block, the lookup table being associated with the first storage image.

41. (Original) The apparatus of claim 39, further comprising:

means for acquiring a lock from a lock mechanism before determining whether the data block is stored on the first storage image or on a second storage image; and

means for releasing the lock after reading the data block from the second storage image.

42. (Original) The apparatus of claim 41, wherein the lock mechanism is maintained independent to the first and the second storage images.

43. (Currently Amended) A data storage system, comprising:

a processing system; and a memory coupled to the processing system, the memory storing instructions, which when executed by the processing system, cause the processing system to perform the operations of:

receiving a command to preserve data in the data storage system;

receiving a first data being written to a data block on a first storage volume prior to receiving the command;

determining whether the data block is stored on a first storage image, the first image being a copy on write snapshot of the first storage volume created in response to the command, the operation of determining based on indication information associated with the first storage image;

writing the first data to the data block on the first storage image and a second storage image when the data block is stored on the first storage image;

writing the first data to the data block on ~~[[a]]~~ the second storage image when the data block is stored on a second image; and

~~wherein the copy on write snapshot occurs without an application's read/write activities being in a quiescent state.~~

wherein the data storage system is read/write accessible by at least one application and read/write access to the data storage system remains available by the at least one application during the data preservation.

44-68. (Cancelled)